

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

\* \* \*

TERENCE L. McCREARY, on Behalf of  
Himself and All Others Similarly Situated,

Plaintiffs,

v.

AETNA LIFE INSURANCE COMPANY,

Defendant.

3:08-CV-00654-LRH-RAM

ORDER

Before the court is Defendant Aetna Life Insurance Company's Motion to Dismiss (#6<sup>1</sup>). On August 27, 2010, the court entered an Order of Preliminary Approval (#40) regarding settlement of this case. Given that this matter is in settlement, the Motion to Dismiss will be denied as moot. Should settlement fail, however, this motion will be re-opened for decision.

IT IS HEREBY ORDERED that Defendant's Motion to Dismiss (#6) is DENIED as moot.

IT IS SO ORDERED.

DATED this 27th day of September, 2010.



LARRY R. HICKS  
UNITED STATES DISTRICT JUDGE

<sup>1</sup>Refers to the court's docket entry number